

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEPALMA PRODUCTIONS, LLC,
Plaintiff,

-against-

CITY SCENIC LLC,
Defendant.

Case No. 1:24-cv-06213 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

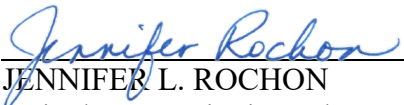
On August 17, 2024, DePalma Productions, LLC (“Plaintiff”) instituted this action against City Scenic LLC (“Defendant”), propounding claims for breach of contract and unjust enrichment. Dkt. 1 (the “Complaint”) ¶¶ 21-29. Per the Complaint, Plaintiff is “a New York corporation” with its principal place of business in New York, and Defendant is a New Jersey limited-liability company (an “LLC”) with its principal place of business in New Jersey. *Id.* ¶¶ 7-8. Plaintiff asserts that jurisdiction in this Court is proper by reason of diversity of citizenship under 28 U.S.C. § 1332. *Id.* ¶ 5; *see id.* at 5 (seeking to recover contract damages of at least \$145,315). Plaintiff does not identify its membership or the membership of Defendant.

Based on the case caption, it appears that both Plaintiff and Defendant are LLCs. *See id.* at 1. An LLC is deemed to be a citizen of each state of which its members are citizens. *Carter v. HealthPort Techs., LLC*, 822 F.3d 47, 60 (2d Cir. 2016). Thus, a diversity action by or against an LLC must allege the citizenship of every member (whether natural or corporate person) of the LLC. *See id.*; *Goney v. SuttonPark Cap. LLC*, No. 22-1830, 2023 WL 8235019, at *3 (2d Cir. Nov. 28, 2023) (summary order); *MinedMap, Inc. v. Northway Mining, LLC*, No. 21-1480, 2022 WL 570082, at *2 (2d Cir. Feb. 25, 2022) (summary order).

The Complaint fails to do so, and Plaintiff's Rule 7.1 statement (Dkt. 3) does not fully resolve the issue either. Accordingly, it is hereby ORDERED that, on or before **September 5, 2024**, Plaintiff shall amend its Complaint to allege the citizenship of each constituent person or entity comprising the Plaintiff and Defendant LLCs (including the state of incorporation and principal place of business of any corporate member and, if a corporate member is an LLC, the same information about that LLC's membership). If, by that date, Plaintiff is unable to amend its Complaint to truthfully allege complete diversity of citizenship, then the action will be dismissed without prejudice for lack of subject-matter jurisdiction without further notice to either party.

Dated: August 19, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge